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6 Attorneys for Defendant

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 BALDOMERO QUEZADA-MORENO,

13 Defendant.

14 2:11-CR-00341-GMN-PAL

15 AMENDED
**STIPULATION TO CONTINUE
TRIAL DATES**
(Third Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel Bogden, United
17 States Attorney, and Amber Craig, Assistant United States Attorney, counsel for the United States
18 of America, and Rene L. Valladares, Federal Public Defender, and Rebecca Rosenstein, Assistant
19 Federal Public Defender, counsel for defendant BALDOMERO QUEZADA-MORENO, that the
20 calendar call currently scheduled for April 16, 2012, at the hour of 9:00 a.m., and the trial currently
21 scheduled for April 24, 2012, at the hour of 9:00 a.m. be vacated and set to a date and time
convenient to this court, but no event earlier than thirty (30) days.

22 This Stipulation is entered into for the following reasons:

- 23 1. A plea offer has been made. Defendant request additional time to review this offer
and discuss it with his family.
- 25 2. The defendant is incarcerated and does not object to the continuance.
- 26 3. The parties agree to the continuance.
- 27 4. The additional time requested herein is not sought for purposes of delay, but merely
28 to allow defendant sufficient time review the offer and discuss it with his family.

1 5. Additionally, denial of this request for continuance could result in a miscarriage of
2 justice. The additional time requested by this Stipulation is excludable in computing the time within
3 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
4 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering
5 the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

6 This is the third request to continue trial dates filed herein.

7 DATED this the 29th day of March, 2012.

8 RENE L. VALLADARES
9 Federal Public Defender

DANIEL BOGDEN
United States of America

10 */s/ Rebecca Rosenstein*
11 By: _____
12 REBECCA ROSENSTEIN
13 Assistant Federal Public Defender
14 Counsel for Defendant

15 */s/ Amber Craig*
16 By: _____
17 AMBER CRAIG
18 Assistant United States Attorney
19 Counsel for the Plaintiff

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 BALDOMERO QUEZADA-MENDOZA,

7 Defendant.

2:11-CR-341-GMN-PAL

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

8

9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court
11 finds that:

12 1. A plea offer has been made. Defendant request additional time to review this offer
13 and discuss it with his family.

14 2. The defendant is incarcerated and does not object to the continuance.

15 3. The parties agree to the continuance.

16 4. The additional time requested herein is not sought for purposes of delay, but merely
17 to allow defendant sufficient time review the offer and discuss it with his family.

18 5. Additionally, denial of this request for continuance could result in a miscarriage of
19 justice. The additional time requested by this Stipulation is excludable in computing the time within
20 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
21 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering
22 the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

23 This is the third request to continue trial dates filed herein.

24 For all of the above-stated reasons, the ends of justice would best be served by a
25 continuance of the motion deadlines and trial dates.

26

27 **CONCLUSIONS OF LAW**

28 The ends of justice served by granting said continuance outweigh the best interest of the
public and the defendant in a speedy trial, since the failure to grant said continuance would be likely

to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(1)(D), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by the 24th day of May, 2012.

IT IS FURTHER ORDERED that the calendar call currently scheduled for April 16, 2012, at the hour of 9:00 a.m., be vacated and continued to May 29, 2012 at the hour of 9:00 a.m.; and the trial currently scheduled for April 24, 2012, at the hour of 9:00 a.m., be vacated and continued to June 5, 2012 at the hour of 9:00 a.m.

DATED 4 day of April, 2012.

[Handwritten signature]